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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/148,533	09/04/1998	LELAND LESTER	98P7649US	3513

7590 12/18/2002

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/148,533

Applicant(s)

LESTER ET AL.

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 9, 10, 12 and 17 is/are rejected.
- 7) ☒ Claim(s) 1, 2, 5, 8, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1, 4, and 10*** are rejected under 35 U.S.C. 102(b) as being anticipated by Kuromi (United States Patent 5,233,646).

Regarding **claim 1**, Kuromi discloses a telephone-operated stereo shut-off device. In addition Kuromi discloses wherein the telephone/transmitter unit (12), which reads on claimed “apparatus”, connects a telephone set, which reads on claimed “microphone” alternately to a telephone line and a stereo, the telephone/transmitter unit comprising:

a transmitter circuit (20) which reads on claimed “device connector” for connecting the telephone/transmitter unit (12) to the stereo, as disclosed at column 4, line 64 through column 5, line 23 and exhibited in figures 1-5;

a mating telephone line receptacle (32), which reads on claimed “telephone connector”, for connecting the telephone/transmitter circuit (12) to the telephone line (70), as disclosed at column 5, lines 55-68 and exhibited in figure 1;

telephone set (76) is connected to the telephone/transmitter unit (12) via telephone set receptacle (34) and cable (70), as disclosed at column 5, line 55 through column 6, line 3 and exhibited in figures 1-6;

the telephone/transmitter circuit unit (12) which comprises a voltage sensing circuit (14) and a transmitter circuit (20), which reads on claimed "switching circuit" connected to the stereo, telephone and microphone connectors, the telephone/transmitter circuit connects the telephone connector to the microphone connector in response to sensing a voltage greater than a predetermined threshold on the telephone line, and the switching circuit connecting the microphone connector to the transmitter circuit when the voltage sensed on the telephone line is less than the predetermined threshold voltage, as disclosed at column 6, lines 4-26 and exhibited in figures 1-5.

Regarding **claims 4 and 10**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 3, 6, 9, 12 and 17*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuromi in view of well known prior art (MPEP 2144.03).

Regarding **claim 3**, Kuromi discloses everything claimed, as applied above, (see claim 1), however, Kuromi fails to disclose personal computer. However, the examiner takes official notice of the fact that it was well known in the art to provide a personal computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuromi by specifically providing personal computer, for the purpose of producing music.

Regarding **claims 6, 9 and 12**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claim 3.

Regarding **claim 17**, Kuromi and well known prior art disclose everything claimed, as applied above, (see claim 1), however, the combination fails to disclose switching based on voice activation. However, the examiner takes official notice of the fact that it was well known in the art to provide switching based on voice activation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing switching based on voice activation, for the purpose of producing hands free operation.

Allowable Subject Matter

3. **Claims 2, 5, 8, 11, 13, and 18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JFH
December 11, 2002


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100